

Attached please find the Office of the Inspector General's (OIG) final report regarding our investigation into the allegation that Gladys Palacio, founder and Principal of Charter on the Beach Middle School (Charter BMS), had improperly recorded a student's attendance, which resulted in an overpayment to the school of almost \$1,700 in Miami-Dade County Public Schools (MDCPS) funds.

The OIG investigation determined that Charter BMS received \$1,690.54 in MDCPS funds for a student whom Ms. Palacio knew was absent during the relevant time period. In her discretionary written response to the OIG draft report, which is attached as Appendix A, Ms. Palacio admitted that Charter BMS had incorrectly reported the attendance of the student. In addition, in response to a preliminary recommendation made in the OIG draft report, Ms. Palacio stated that Charter BMS is prepared to repay MDCPS for the overpayment and any applicable interest.

Further, by way of this memorandum, and by copy below, the OIG refers this matter to the MDCPS Ethics Advisory Committee for its consideration of Ms. Palacio's conduct and whatever action it deems appropriate.

The OIG requests that we are provided with a follow-up report in 60 days regarding the status of repayment by Charter BMS of the MDCPS funds and adoption of our audit recommendation. The OIG would appreciate receiving the report on or before May 6, 2009.

Attachment

 cc: Hon. Solomon C. Stinson, Chair and Members, Miami-Dade County School Board Luis Garcia, Interim School Board Attorney Allen Vann, Chief Auditor, Office of Management and Compliance Audit Daneen Regna, Chair, and Members, MDCPS Ethics Advisory Committee Gladys Palacio, Principal, Charter on the Beach Middle School

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL

Final Report Re: Improper Recording of Student Attendance at Charter on the Beach Middle School

INTRODUCTION & SYNOPSIS

The Miami-Dade County Public Schools Office of the Inspector General (OIG) received information that Gladys Palacio, founder and Principal of Charter on the Beach Middle School (Charter BMS), had improperly recorded a student's attendance, which resulted in an overpayment to the school of almost \$1,700 in Miami-Dade County Public Schools (MDCPS) funds.

The OIG investigation revealed that in February 2008, Ms. Palacio submitted an electronic attendance report to the MDCPS, via its Integrated Student Information System (ISIS), which falsely stated that a suspended student (the student) was in attendance during the applicable Full Time Equivalent Survey Period (the FTE Survey Period). In addition, also in February 2008, Ms. Palacio submitted a Department of Education Correction Online (DECO) form which corrected the student's schedule to reflect enrollment in four courses at Charter. The OIG investigation has determined that, to the contrary, the student was absent from school and had not, in fact, attended any of the courses identified on the DECO form during the FTE Survey Period.

In response to questioning by OIG Special Agents, Ms. Palacio admitted that the student, whom she had "informally" suspended in late 2007, had been absent from Charter BMS during the FTE Survey Period. Ms. Palacio also admitted that the student had never attended the courses reflected on the DECO form during that period. However, Ms. Palacio denied that she intended to submit false entries into the ISIS system. Rather, she explained, any reporting errors were attributable to her lack of experience using ISIS. Ms. Palacio also acknowledged that Charter BMS was experiencing financial difficulties during the FTE Survey Period.

Ms. Palacio provided a discretionary response to the OIG draft report, in which she acknowledged that Charter BMS had incorrectly reported the attendance of the student, causing an overpayment by MDCPS in the amount of \$1,690.54. Ms. Palacio also stated that Charter BMS is prepared to repay that sum, along with any applicable interest. Finally, Ms. Palacio reiterated that the overpayment was the result of a clerical mistake, and she had never intended to mislead or defraud MDCPS.

The OIG investigation determined that Charter BMS received almost \$1,700 in MDCPS funds for a student whom Ms. Palacio knew was absent during the relevant time period. By way of this report, the OIG recommends that MDCPS immediately obtain repayment of the \$1,690.54 that Charter BMS received as a result of Ms. Palacio's wrongful report of the student's attendance. In addition, the OIG recommends that MDCPS conduct an audit of attendance reporting by Charter BMS and seek further repayment of any additional instances of improper attendance reporting such an audit may identify. Finally, the OIG refers this

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matter to the MDCPS Ethics Advisory Committee for its consideration of Ms. Palacio's conduct and whatever action it deems appropriate.

OIG JURISDICTIONAL AUTHORITY

The OIG provides inspector general services to the MDCPS pursuant to the Interlocal Agreement (ILA) between Miami-Dade County and MDCPS. The ILA for inspector general services is expressly authorized by MDCPS School Board Rule 6GX13-8A-1.08. The scope and jurisdiction of the OIG's activities is dictated by the ILA. Among the authority jurisdiction, responsibilities and functions conferred upon the OIG through the ILA is the authority and jurisdiction to make investigations of MDCPS affairs, including the power to review past, present and proposed programs, accounts, records, contracts and transactions. The OIG shall have the power to require reports and the production of records from the MDCPS Superintendent, School Board members, School District departments and allied organizations, and School District officers and employees, regarding any matter within the jurisdiction of the OIG.

BACKGROUND

Charter on the Beach Middle School

Charter BMS began operation in August 2007 as a charter school. The facility is located at 1211-1219 Marseille Drive, Miami Beach, Florida 33141. Charter BMS was recently audited by MDCPS, and the financial statements reviewed as a part of that audit reflect that as of the fiscal year ending June 2008, Charter School was in a state of financial emergency.¹

Gladys Palacio

Gladys Palacio is a founder of Charter BMS. From August 2007 through the present, Ms. Palacio has served as the Principal of BMS.² Ms. Palacio was previously a private business owner.

Full Time Equivalent Student Funding

The funding of student attendance by MDCPS is based on Full Time Equivalent Survey Periods, which are mandated by the State of Florida. The FTE Survey Periods are usually designated for October and February of every school year. If a student is

¹ The audit did not include a review of individual student attendance reporting by Charter.

 $^{^2}$ Principals of charter schools are not MDCPS employees. Rather, they are employees of the organization that operates the school.

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enrolled in courses and present on any day during the applicable FTE Survey Period, the student is considered to be present for one-half of the school year for purposes of calculating student funding for Florida charter schools.

The annual amount of funding for a Florida charter school student for the 2007-2008 school year was \$4,226.32. The funding is split into two bi-annual payments (per semester). Students who are enrolled for a full schedule—five to six classes—earn a .5000 multiplier for the FTE Survey Period in question; in other words, one-half of the annual allotment. For a student enrolled in four classes in a semester, the FTE multiplier is .4000.³

Integrated Student Information System Recordkeeping Procedures

ISIS is relied upon by MDCPS to maintain records of student attendance. ISIS automatically records a student as present unless a specific code is entered to indicate the student's absence. All appropriate personnel, including teachers, teacher assistants, MDCPS principals, and charter school principals, are provided the opportunity to receive training on the operation of ISIS before the commencement of each school year.

GOVERNING AUTHORITIES

MDCPS School Board Rule 6Gx13-<u>5A-1.041</u>, Student Attendance-Specific **Responsibilities**, states in part:

School Attendance – Students are to be counted in attendance only if they are actually present or engaged in a school-approved educational activity which constitutes a part of the instructional program for the student.

Rule $6Gx13-\underline{5A-1.041}$ defines "outdoor suspensions" as excused absences, rather than student attendance. With regard to a principal's attendance-taking responsibilities, the Rule states in part:

The principal is expected to ensure that ... [a]ttendance/tardiness is taken and recorded by duly authorized persons at a designated time(s) every official school day.

MDCPS School Board Rule 6Gx13-5A-1.07, Student Attendance Records—Specific Requirements and Procedures, states in part:

³ The same funding formula applies for all other MDCPS students.

The dates to be covered by the **Principal's Report on Attendance** [emphasis in the original] are announced annually by the Division of Attendance Services. Reports are to be certified on-line by the principal by the fifth working day after the close of a reporting period.

INVESTIGATION

During the course of the investigation, OIG Special Agents reviewed documents including, but not limited to, MDCPS school attendance requirements; ISIS training and operations materials; Charter BMS student attendance records; ISIS attendance records submitted by Ms. Palacio; and records of FTE payments. In addition, OIG Special Agents interviewed MDCPS personnel regarding training and procedures relating to student attendance reporting. The OIG also interviewed Ms. Palacio.

Charter BMS Student Attendance Records and ISIS Record Submissions

Our review of 2008 Charter BMS student attendance records revealed that the student was wrongly reported as being present during the FTE Survey period. The applicable FTE Survey Period began January 24, 2008, and ended February 8, 2008. (See FTE Survey Calendar, attached as Exhibit One)

The ISIS record of attendance (ISIS record) submitted for the student fails to reflect any absence during the FTE Survey Period. (Exhibit Two)⁴ In addition to submitting an ISIS record to MDCPS, Charter BMS also maintained an attendance log for the student. A review of that log, which covers the FTE Survey Period, reveals that a line was hand-drawn through the reflected dates of attendance for the student which, according to Ms. Palacio, depicts that the student was absent from Charter BMS. (Exhibit Three)

On February 26, 2008, Ms. Palacio also signed and submitted to MDCPS a DECO form which reflected that the student was enrolled in four courses at Charter BMS. (Exhibit Four)

MDCPS Payment to Charter BMS for the Student

After receiving and reviewing both the ISIS record and the DECO form for the student, MDCPS made a \$1,690.54 payment to Charter BMS to fund the cost of the student's half-year 2008 attendance. The payment amount was determined using the FTE multiplier formula. Based on Ms. Palacio's representations that (1) the student was present at Charter BMS during the FTE Survey Period, and (2) was enrolled in four

⁴ All student names have been redacted from the attached exhibits.

courses, MDCPS applied the .4000 multiplier to the \$4,226.32 yearly student allotment, thus resulting in the \$1,690.54 payment.

MDCPS Training and Procedures Relating To Student Attendance

As part of the investigation, OIG Special Agents interviewed the MDCPS Attendance Services Coordinator (coordinator). The coordinator explained that the FTE payment process required that a student maintain a class schedule, and be physically present on at least one day during the FTE Survey Period. She also explained that a student on suspension during the FTE Survey Period would not qualify for FTE funding, even if an arrangement were in place whereby the student completed assignments at home that are handed in by a parent.

The coordinator confirmed that, pursuant to the documentation submitted by Ms. Palacio, Charter BMS was paid a total of \$1,690.54 based on the FTE multiplier calculation. She further stated that because the student was not actually present during the FTE Survey Period, Charter BMS was not qualified to receive the payment.

Finally, the coordinator stressed that all appropriate MDCPS personnel, including principals of charter schools, were instructed on the operation of the ISIS attendance reporting system. She also observed that the number of ISIS records and DECO forms submitted by Ms. Palacio during the period of operation of Charter BMS since August 2007 reflected Ms. Palacio's familiarity with the system.

OIG Special Agents also interviewed the MDCPS Director of Schools of Choice (director). The director stated that training was provided to all charter school principals, including Ms. Palacio, concerning the requirements to properly document student enrollment prior to commencement of the school year. She also stated that MDCPS procedures provided that a student could not be suspended for a period of longer than ten days. Finally, the director stated that Ms. Palacio had admitted to her in March 2008 that she had allowed the student to stay at home during 2008, including during the FTE Survey Period, but had nevertheless entered him as present on the ISIS system.⁵

Interview of Gladys Palacio

OIG Special Agents interviewed Ms. Palacio on multiple occasions. Ms. Palacio admitted that she had been trained on the operation of the ISIS system, both before the beginning of the 2007-2008 school year, and shortly before the FTE Survey Period.⁶ She also admitted that she had submitted the ISIS report that falsely reflects the student's attendance, as well as

⁵ Ms. Palacio's admission was in response to an MDCPS preliminary inquiry into this matter.

⁶ Both Ms. Palacio and MDCPS were unable to locate records verifying Ms. Palacio's ISIS training.

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the DECO form. With regard to the DECO form, however, Ms. Palacio could not recall what information pertaining to the student required correction.

Ms. Palacio admitted that the student had been absent from Charter BMS during the FTE Survey Period, and had, thus, never attended the courses reflected on the DECO form during that time. She stated that during the Fall of 2007, the student had developed disciplinary issues so severe that she decided to "informally" suspend the student. At the request of the student's father, she agreed to allow the student to remain enrolled at Charter BMS pending enrollment at a new school. The suspension arrangement contemplated that the student's father would collect the student's assignments and return them once completed—a practice which Ms. Palacio admitted occurred on only a few occasions.

Nevertheless, Ms. Palacio denied that she intended to submit false entries into the ISIS system. Rather, she explained that any reporting errors were attributable to her lack of experience using ISIS. With regard to the DECO form, Ms. Palacio stated that it was merely one of many that she had prepared for the purpose of correcting student schedules in the ISIS system. Ms. Palacio also acknowledged that Charter BMS was experiencing financial difficulties during the FTE Survey Period.

RESPONSE TO THE DRAFT REPORT

This report as a draft was provided to Ms. Palacio for her discretionary written response. The OIG received a response from Ms. Palacio, which is attached as Appendix A. We appreciate Ms. Palacio's response.

In her response, Ms. Palacio acknowledged that Charter BMS had incorrectly reported the attendance of the student, causing an overpayment by MDCPS in the amount o \$1,690.54. Ms. Palacio also stated that Charter BMS is prepared to repay that sum, along with any applicable interest. Finally, Ms. Palacio reiterated that the overpayment was the result of a clerical mistake, and she had never intended to mislead or defraud MDCPS. She specifically denied that the financial difficulties faced by Charter BMS provided a "motive" for her clerical mistake.

CONCLUSIONS & RECOMMENDATIONS

The draft report of the OIG investigation determined that Charter BMS received almost \$1,700 in MDCPS funds for a student who Ms. Palacio knew was absent during the relevant time period. Upon review of the response received from Ms. Palacio, we did not believe that material changes to the draft report were necessary.

The OIG is not fully persuaded by Ms. Palacio's explanation that the MDCPS overpayment was solely a product of her lack of experience operating ISIS, particularly given her

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admission that Charter BMS—of which she was a founder—was facing financial difficulties when she submitted the attendance reports in question.

By way of this report, the OIG recommends that MDCPS immediately obtain repayment of the \$1,690.54 Charter BMS received as a result of Ms. Palacio's wrongful report of the student's attendance. In addition, the OIG recommends that MDCPS conduct an audit of attendance reporting by Charter BMS and seek further repayment of any additional instances of improper attendance reporting such an audit may identify. If an audit is conducted, the OIG requests to be advised of the results. Finally, the OIG refers this matter to the MDCPS Ethics Advisory Committee for its consideration of Ms. Palacio's conduct and whatever action it deems appropriate.

The OIG requests that we are provided with a follow-up report in 60 days regarding the status of repayment by Charter BMS of the MDCPS funds and adoption of our audit recommendation. The OIG would appreciate receiving the report on or before May 6, 2009.

OIG FINAL REPORT

APPENDIX A

IG08-32SB

Miami Beach, Florida February 21, 2009

Mr. Christopher R. Mazzella Inspector General Miami-Dade County Public Schools 1600 W Flagler St, Suite 220 Miami, Fl 33130

Ref.: IG08-32SB Your letter dated February 10, 2009

Dear Mr. Mazella,

I acknowledge receipt and refer to your letter dated February 10, 2009, in the matter of the reference, with which you sent us a copy of the Draft Report entitled "Improper Recording of Student Attendance at Charter on the Beach Middle School" (hereinafter "the draft Report").

I write to you, as well, to take the opportunity given to Charter On The Beach Middle School Inc. (the School) to respond in writing to the Draft Report and request that such written response be attached to the final report.

As to the recommendations made by the report, the School responds that:

- a) The School is ready to repay the sum of \$1,690.54, plus any reasonable applicable interest. The School will contact MDCPS in order to determine the best way to ascertain the amounts to be repaid and the best way and time to repay.
- b) The School is eager to cooperate with the Miami-Dade County Inspector General's Office and other authorities in any further enquiries and audits, if they are so mandated.
- c) The School will take steps to remedy any deficiencies in ISIS training of its staff so as to prevent incidents of the kind investigated by your Office.

The following section intends to respond to the findings of fact mentioned in the report and put them in context, complementing them with additional comments that fully explain the circumstances of the described facts.

- 1- <u>Charter On The Beach Middle School</u>. Indeed, the School began operating in August 2007. It is also true that the School was declared in Financial Emergency:
 - i. The declaration of Financial Emergency found a deficit of about \$130,000.
 - ii. However, in December 2008 the School presented a Financial Recovery Plan, which was approved by Miami-Dade Public Schools.

- Moreover, the Financial Recovery Plan is based largely on the School's ability to substantially increment the registration of students in the years 2008-2009 and 2009-2010, and on cost cutting and efficiencies that have been and are still being implemented.
- iv. The School aims to emerge from Financial Emergency and be profitable within two years of the inception of the Financial Recovery Plan.
- 2- <u>Ms. Gladys Palacio</u>. In fact, the undersigned has been the founder of The School and its director since 2006.
- 3- <u>The FTE Student Funding</u>. The School does not question the Draft Report's description of funding available to schools.
- 4- <u>The Integrated Student Information System Recording Procedures</u>: The School does not question the Draft Report's description of ISIS.
- 5- <u>Governing Authorities</u>: At this time, the School does not question the authorities cited by the Draft Report.
- 6- <u>Investigation</u>: The School acknowledges that an investigation did take place and that the undersigned was interviewed. The School wishes to point out that it cooperated fully with the investigation, that the undersigned spoke candidly about the facts investigated and that the School made its records available for on-site inspection immediately during the visit conducted by officers of the Miami-Dade County Inspector General's Office.
- 7- Charter On The Beach Student Attendance Records and ISIS Submission <u>Records</u>: The School does not deny that a clerical mistake was made, which caused the ISIS records to incorrectly reflect the attendance of students at the School and that such mistake resulted in over payment by MDCPS in the amount of \$1,690.54.

The School further points out that it never made attempts to mislead MDCPS. The mere fact that on its own records the School had made handwritten corrections indicating that the student in question did not attend during the relevant period of time shows that the School did not consider the student to have attended.

- 8- <u>MDCPS's payment to the School</u>: The School does not deny that an overpayment in the amount of \$1,690.54 was made.
- 9- MDCPS Training and Procedures Relating to Student Attendance: The school points out that:

- i. The undersigned did receive the ISIS training, but she did receive it for the school year 2006-2007. The school never opened that year and the undersigned did not retake the training the following year.
- ii. By the beginning of the 2007-2008 school year the undersigned was not really familiar with the ISIS.
- iii. Ms. Pilar Revoredo, who at the time worked for the School, took the ISIS training in 2007-2008 and was in charge of reporting attendance.
- iv. The difficult financial situation alluded to before required the School to drastically cut costs. Ms. Pilar Revoredo was terminated in December 2007, and her tasks, among many others, were taken over by the undersigned.
- v. While reporting attendance, and DECO corrections the undersigned had to visit the Attendance Services office in person to be trained and assisted with the corrections that were to be made during the FTE period. The undersigned met with Pamela Stirrup who is the North Regional Representative at Attendance Services who assisted her in making corrections. In addition in May of 2008, the school received only half of its funding due to incorrect reporting in the FTE Report. These corrections were adjusted by Attendance Services coordinator Ms. Yvette Senior-Stewart and the balance due to the school of funding was returned in June 2008. The School is not proud of the undersigned's training limitations at the time. However, the School wishes to show that the mistaken report was a clerical mistake and not the result of the intent to defraud MDCPS.
- 10- <u>Interview of Gladys Palacio</u>: The undersigned was interviewed by officers of the Miami-Dade County Inspector General Office and during the interview answered candidly and truthfully. The undersigned's statements provided clarity about the circumstances of the mistaken overpayment. The undersigned denied then, and denies now, that there was any intention to mislead or defraud the MDCPS. The School points out that this situation was merely the result of a clerical mistake.
- 11- <u>Conclusion</u>: The School points out that the undersigned's poor training lack of resources and time caused the mistaken report and that no bad faith was ever involved.
- 12- Also, the School vigorously asserts that the difficult financial situation it faced at the time of these events was in no way a "motive" for the undersigned's clerical mistake. Further, the School's difficult situation at the time (deficit of around \$130,000) would not have been alleviated by such small sum, as was mistakenly overpaid.

Sincerely,

Gladys Palacio Charter On The Beach Middle School inc. Principal -

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EXHIBIT ONE

*** 2007-08 / SURVEY 3 (FEBRUARY) *** FTE CALENDAR

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
JANUARY 21, 2008	JANUARY 22, 2008	JANUARY 23. 2008	JANUARY 24, 2008	JANUARY 25, 2008
HOLIDAY	ALL SCHOOLS UPDATE ISIS FILES AS NECESSARY►►►►	- ' '	FIRST DAY OF ATTENDANCE ELIGIBILITY	
JANUARY 28, 2008	JANUARY 29, 2008	JANUARY 30. 2008	JANUARY 31, 2008	FEBRUARY 1. 2008
SCHOOLS CONTINUE TO UPDATE ISIS FILES AS NECESSARY				TEACHER PLANNING DAY EXCEPT ZONE SCHOOLS
FEBRUARY 4. 2008	FEBRUARY 5. 2008	FEBRUARY 6. 2008	FEBRUARY 7. 2008	FEBRUARY 8, 2008
FEBRUARY FTE SURVEY WEEK	FEBRUARY FTE SURVEY WEEK	FEBRUARY FTE SURVEY WEEK	FEBRUARY FTE SURVEY WEEK	FEBRUARY FTE SURVEY WEEK
SCHOOLS CONTINUE TO UPDATE ISIS FILES AS NECESSARY				LAST UPDATE - ITS BEGINS PROCESSING FINAL FTE REPORTS FOR FEBRUARY SURVEY.
	·			DECO FILES CREATED.
FEBRUARY 11, 2008	FEBRUARY 12, 2008	FEBRUARY 13. 2008	EEBRUARY 14, 2008	FEBRUARY 15. 2008
SECONDARY SCHOOLS WILL BE NOTIFIED WHEN FTE REPORTS ARE COMPLETED.	Elementary schools Receive final fte Reports.			
••	<- EDIT_CORRECTION	ON MUST BE MADE I	N DECO AND ISIS	••
FEBRUARY 18, 2006	FEBRUARY 19, 2008	FEBRUARY 20, 2008 CORRECTIONS TO DECO MUST BE COMPLETED BY 5:00 PM SO THAT ITS CAN RECALCULATE THE FTE.	EEBRUARY 21, 2008 SCHOOL FUNDING CERTIFICATION PRINTED FROM DECO. SIGN AND FORWARD SCHOOL FUNDING CERTIFICATION	FEGRUARY 22, 2008 DEADLINE FOR FTE REPORTS IN MAILBAG (FOR FEBRUARY 22 PICK- UP) TO ATTENDANCE SERVICES.
HOLIDAY			ALONG WITH THE VERIFICATION OF EARNED FTE FORM TO 2028 - ROOM 14 ATTENDANCE SERVICES ATTENTION ~ FTE OFFICE.	SCHOOLS NOT MEETING THIS DEADLINE MUST HAND DELIVER FTE REPORTS TO ATTENDANCE SERVICES (1080 LaBaron Drive, Room 14
EDIT CORRECTION MUST DE MADE IN DECO AND ISIS	EDIT CORRECTION MUST BE MADE IN DECO AND ISIS	EDIT CORRECTION MUST BE MADE IN DECO AND ISIS		Miami Springs
FEBRUARY 25, 2008	FEBRUARY 26, 2008	FEBRUARY 27, 2008	FEBRUARY 28. 2008	FEBRUARY 29, 2008
FTE REPORTS (SCHOOL FUNDING CERTIFICATION AND VERIFICATION OF EARNED FTE) DUE IN ATTENDANCE SERVICES				

MIAMI-DADE COUNTY PUBLIC SCHOOLS ATTENDANCE SERVICES DECEMBER 6, 2007

EXHIBIT TWO

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DA06-33 - X9KA				MON	1		TUE		WED		THR		FRI	
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WTD:	:													
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E = EXC EARLY	:													
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A = EXC ABS	:													
S = SPEC NOTE	:													
U = UNEXC ABS	:													
X = SPEC HOL	:													

EXHIBIT THREE

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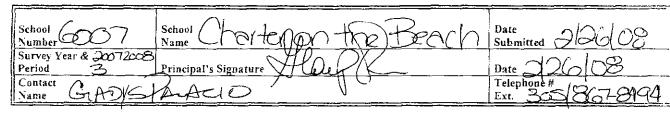
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EXHIBIT FOUR

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MIAMI-DADE COUNTY PBULIC SCHOOLS STUDENT DECO AMENDMENTS



Student 1D #	Student's Name	Grade	DECO SEQ/SEC	Course #	Minutes Per Week	CHECK O' ADD DEL		
640886		8	D8001	210001001				
		8	Badol	120507001				
	1	8	(200)	210001001 120507001 200132001			1	
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	DECO CORRECTED BY (FOR 9028 USE CMLY) Date							

FKI-5502 Rev. ()